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OPINION NO. 59-4
December 22, 1958

REQUESTED BY: Honorable Carl Austin
House of Representatives

OPINION BY: ROBERT MORRISON, The Attorney General

QUESTION: Of what import is the following sentence
found in A.R.S. § 11-808(B):

"No permit shall be required for repairs
or improvements of a value not exceed-
ing five hundred dollars."?

CONCLUSION: See body of opinion.

Paragraph A of A.R.S. § 11-808 requires that the county zoning ordinance shall provide for its enforcement within a zoned territory by means of withholding building permits. Paragraph B of said section provides as stated in the question above, stating also that reasonable fees may be charged for the issuance of the permit. Paragraphs C and D of this section state, however, that such regulations continue to apply and violations of them may be enforced by the county attorney or any adjacent or neighboring property owner who is specially damaged by the violation.

It is the opinion of the Department of Law that the sentence in question provides the minimum standard of value (\$500.00) below which enforcement by means of withholding building permits shall not be used inasmuch as building permits are not issued for construction of such small value; on the other hand, although a permit is not required for repairs, erections or alterations, etc., under \$500.00, nevertheless they are affected by the zoning regulations and may be enjoined or abated as indicated in Paragraphs C and D of A.R.S. § 11-808, which reads as follows:

" § 11-808. Enforcement; county zoning inspector;
deputies; building permits;
violations; penalty

* * * * *

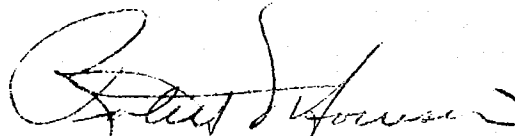
C. It is unlawful to erect, construct, reconstruct, maintain or use any land in any zoning district in violation of any regulation or any provision of any ordinance pertaining thereto. Any person, firm or corporation violating such an ordinance, or any part thereof, is guilty of a misdemeanor. Each and every day during which the illegal erection, construction, reconstruction, alteration, maintenance or use continues is a separate offense.

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D. If any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used or any land is or is proposed to be used in violation of this chapter or any ordinance, regulation or provision enacted or adopted by the board under the authority granted by this chapter, the board, the county attorney, the inspector or any adjacent or neighboring property owner who is specially damaged by the violation, in addition to the other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent or abate or remove the unlawful erection, construction, reconstruction, alteration, maintenance or use."



ROBERT MORRISON
The Attorney General

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